IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADES
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

Tuesday, the twentieth day of July, two thousand and four

PRESENT
The Honourable Sri Justice V.Eswaraiah

WRIT PETITION No. 2097 OF 2004

BETWEEN:
P.V.S.S.Srinivasa Rao.

Petitioner

And

The Executive Officer, Tirumala Tirupati Devasthanam, Tirupati.
The Deputy Executive Officer, Tirumala Tirupathi Devasthanam, Tirupati.
The Joint Executive Officer, Tirumala Tirupati Devasthanams, Tirupathi.
Asst.Executive Officer (Ser.) Tirumala Tirupati Devasthanams, Tirupati.
The Secretary, Dharma Prachara Parishat, T.T.Devasthanams, Tirupati.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, preferably one in the nature of writ of mandamus, declaring the Memorandum of charge issued vide proceedings in Roc.No.DA4/1719/2001 dated 12-12-2001 together with Additional charge Memo in Roc.No.DA4/17191/2001 dated 23-5-2002 and consequent Memo dated 10-12-2003 in Roc. DA4/26505/2003 as arbitrary, illegal and against the principles of natural justice and consequently be pleased to direct the respondent authorities to drop the enquiry proceedings against the petitioner.

For the Petitioner: Mr.S.Agasthya Sarma, Advocate
For the Respondents: Mr.A.K.Jayaprakash Rao, Advocate.
The Court made the following:

ORDER :

The petitioner filed this Writ Petition, questioning the order of the second respondent in placing the petitioner under suspension until the conclusion of the disciplinary proceedings relating to the charges.

It is stated that without framing any charges and under the contemplated charges only, the impugned order dated 10-12-2003 was passed, placing the petitioner under suspension.

The learned counsel appearing for the petitioner fairly submits that after the said suspension order, the third respondent furnished articles of charges vide proceedings Roc.No.DA4/26505/2003, dated 23-4-2004. The perusal of the said order discloses that the petitioner was suspended pursuant to the petition dated 20-11-2003 and on the report of the Secretary DPP pursuant to the said petition and accordingly, the charges were framed. The articles of charge are as follows:-

> "That the said Sri P.V.S.S.Srinivasa Rao, Vocal Artist, Gr.I, while functioning as Vocal Artist in D.P.P., involved himself in writing petitions against Co-Employees, Officers etc., besides insulting Co-Artists and especially in case of Smt.Leelavathi, Vocal Artist by mentioning her caste, which is unbecoming on the part of an employee, thereby exhibited his gross misconduct

and indiscipline”

The petitioner submitted his detailed explanation dated 27-5-2004 to the said charges.

In so far as the power of the second respondent to place the petitioner under suspension is concerned, as there are certain allegations in the petition made against the petitioner and admittedly, there is a power vested on the respondents under the provisions of Sub-rule(1) of Rule 8 of Andhra Pradesh Civil Services (CCA) Rules, 1991 and the same was adopted by T.T.D. Keeping the petitioner under suspension is not a punishment, and the petitioner has to face the charges framed against him. I am not inclined to set aside the said suspension order as the charges were already framed and enquiry is pending. The petitioner is also facing charges in another case which is the subject matter of W.P.No.19259 of 2003, and it was disposed of today (on 20-07-2004), directing the respondents to permit the petitioner to seek assistance of any retired employee of T.T.D., in the Departmental Proceedings. The petitioner is also entitled for the same relief in these proceedings.

Accordingly, the writ petition is disposed of, directing the respondents to permit the petitioner to seek assistance of any retired employee of Tirumala Tirupati Devastanam during the departmental proceedings and till the enquiry is completed, the petitioner is entitled to the subsistence allowance in accordance with law so as to enable him to face the enquiry. The enquiry shall be completed as expeditiously as possible within three months from the date of receipt of

copy of this order. No order as to costs.

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V.ESWARAIAH,J

20th July, 2004.

Note:-

Furnish copy of this order within one week.

B/o

Shr/Ksn

ASST.REGISTRAR

To

The Executive Officer, Tirumala Tirupati Devasthanam, Tirupati.

The Deputy Executive Officer, Tirumala Tirupathi Devasthanam, Tirupati.

The Joint Executive Officer, Tirumala Tirupati Devasthanams, Tirupathi.

Asst.Executive Officer (Ser.) Tirumala Tirupati Devasthanams, Tirupati.

The Secretary, Dharma Prachara Parishat, T.T.Devasthanams, Tirupati.

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